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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 003039

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NSC STAFF FOR SINGH

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TAGS: PHUM PGOV KDEM EG

SUBJECT: EGYPT: THE DAY AFTER THE AYMAN NOUR VERDICT

REF: CAIRO 3006

Classified by ECPO Minister-Counselor Michael Corbin for reasons 1.4 (b) and (d).

1. (C) Summary: To date, there has been more reaction in the Egyptian media to U.S. criticism of the rejection of Ayman Nour's appeal than reaction to the legal development itself. An Egyptian MFA spokesman expressed "amazement" at the U.S. criticism of the court's decision. The acting head of Nour's Ghad Party said the party "rejected the interjection (of Nour's case) into Egyptian-American relations." A prominent liberal columnist, however, implicitly supported U.S. and international pressure in reaction, arguing that the world saw the Nour case for what it is - a politicized settling of scores rather than a legitimate criminal prosecution. Nour's conviction has also been followed by some public backbiting between members of his defense team. Nour's legal options at this stage are assessed as either negligible or long-shots. End summary.

2. (SBU) Egypt's Ministry of Foreign Affairs reacted (in the media) on May 20 with indignation to the May 18 U.S. statements criticizing the Court of Cassation's rejection of the appeal of jailed opposition leader Ayman Nour. Al-Ahram, Egypt's leading pro-government daily, reported an unnamed MFA spokesman expressing "amazement" at the U.S. statements, which impugned the independence of the Egyptian judiciary. The spokesman also rejected U.S. criticism of police actions to "confront infractions of the law" under the "pretext of freedom of expression." (Comment: We expect this is only the beginning of a series of defensive nationalist reactions to U.S. criticism of the Nour verdict. End comment.)

3. (SBU) Ghad Party President Nagui Ghatrifi (who replaced Nour after his conviction) told the independent daily Al-Masry Al-Yom on May 20 "We do not bet on U.S. support...and strongly reject interjecting Dr. Nour's case into Egyptian-American relations, which are subject to political compromises and private interests." At the same time, the article quoted unnamed party sources as vowing to "internationalize Nour's case and work with all political forces for the 'departure' of the current regime."

4. (C) The question of how to react to international pressure on the Nour case has been the subject of intense debate within the Ghad Party since Nour was first arrested in January 2005. Disagreement on this point prompted the resignation of prominent political personality Mona Makram Ebeid from the post of Party Secretary-General later in the spring of 2005. The party's more nationalist faction, currently led by Ghatrifi, has urged that the party distance itself from foreign and particularly American pressure in support of Nour, while other party leaders, including Secretary-General Wael Nowara and Nour's wife Gameela, have

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quietly encouraged international pressure.

5. (SBU) Prominent liberal columnist Magdy Mehanna attacked Nour's conviction in a column appearing in the May 21 issue of Al-Masry Al-Yom. Mehanna argued that the Nour verdict "flings the door wide open" to international criticism of the GOE as the U.S. and others can clearly see that Nour's case is political, not criminal in nature. Mehanna drew a parallel with the 2000-03 criminal case of Saad Eddin Ibrahim, in which the GOE provoked intense international pressure and was ultimately forced to climb down.

6. (SBU) Following the Nour verdict, lawyer Farid Al-Deeb, who led arguments for the defense during Nour's May 18 appeal hearing (reftel), lashed out in comments carried by Al-Masry Al-Youm against human rights activist/attorney Amir Salem, who has had the overall lead on Nour's defense team. Al-Deeb contended that the high profile activism of Nour's wife Gameela, lawyer Salem, and others in Ayman Nour's circle, such as organizing demonstrations in solidarity with the Judges Club, had sabotaged his efforts to get Nour acquitted.

7. (SBU) Al-Deeb said that Nour's circle ignored his advice to keep a low profile and let the hearing focus on the legal merits of the case, rather than making it a political litmus test for the regime. Reached for response by the article's

author, Gameela acknowledged that she had ignored Al-Deeb's advice, describing support for the Judges Club as a moral imperative and a matter of conscience, consistent with husband Ayman's wishes.

18. (C) With few exceptions, lawyers with whom we have spoken since Nour's verdict agree that the case has reached a legal impasse. A presidential pardon, perhaps issued on humanitarian grounds (given his bad health) may be the only form of legal relief open to Nour at this point. Nour could theoretically challenge the constitutionality of the process by which his parliamentary immunity from prosecution was stripped, but this is viewed as a long-shot. Ehab Al-Khouly, a Ghad Party central board member and member of Nour's defense team, has also spoken vaguely about suing the court which rejected his appeal, but we are dubious about the practicality of this approach.  
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